

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CT-3027-H

CYNTHIA RENEE OLIVER,)
Plaintiff,)
)
v.) ORDER
)
DEAN MILTON HARPER, et al.)
Defendants.)

This matter is before the court on plaintiff's motion to stay (DE #41), filed on May 5, 2011. On March 22, 2011, summary judgment was entered against plaintiff on her claims against Warren County, the Warren County Sheriff's Department, Johnny M. Williams, and Dean Milton Harper in his official capacity. Plaintiff has filed an interlocutory appeal of the court's ruling with the Fourth Circuit Court of Appeals, and the only claims remaining before this court are plaintiff's claims against defendant Harper in his individual capacity.

Plaintiff requests that the proceedings against defendant Dean Milton Harper in his individual capacity be stayed pending resolution of her appeal to the Fourth Circuit. The court finds that plaintiff has not made the necessary showing to stay this action and therefore DENIES plaintiff's motion (DE #41).

This 1st day of August 2011.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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